

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, *ex rel*,  
OKLAHOMA STATE DEPARTMENT  
OF EDUCATION, and  
RYAN WALTERS, in his official capacity  
As Superintendent of Public Instruction,  
And in his individual capacity,  
*Plaintiff*,

Case No. 6:25cv98-GLH

-v.-

FREEDOM FROM RELIGION  
FOUNDATION

*Defendant.*

---

/s/ Jacquelyne K. Phelps

Jacquelyne K. Phelps  
Oklahoma Bar No. 4366  
Assistant General Counsel  
Oklahoma State Department of  
Education  
2500 N. Lincoln Blvd. Ste. 500  
Oklahoma City, OK 73105  
Tel: 405-521-2983  
Cell: 405-464-3768  
Email: [Jacki.Phelps@sde.ok.gov](mailto:Jacki.Phelps@sde.ok.gov)

*Counsel for Plaintiffs Superintendent Walters  
& Oklahoma State Department of  
Education*

## MOTION TO DISMISS

Plaintiffs Ryan Walters, in his official capacity as Superintendent of Public Instruction, and the Oklahoma State Department of Education, respectfully submit this Motion to Dismiss the above-captioned case. In support, the Plaintiffs state as follows:

1. On March 31, 2025, Plaintiffs filed a civil action against Defendant Freedom From Religion Foundation seeking declaratory and Injunctive relief. *See* 6:25cv94-JFH.
2. On March 31, 2025, Plaintiff perfected filing by submitting the filing fee, filing a disclosure statement, and issuing Summons. ECF Nos. 6-8.
3. On April 3, 2024, Counsel for Plaintiffs received ECF notifications regarding the filing of a complaint and assigned as Civil Action 6:25cv98-GLH, which is the above-captioned case.
4. Counsel for the Plaintiffs contacted the Clerk of the Court, who advised her that civil case intake received notification of the filing during the morning of April 3, 2025.
5. Undersigned counsel is unsure of the reasons for the duplicate filing having been sent. However, the filings in 6:25cv94-JFH and the above-captioned case are identical filings.
6. As the filing in 6:25cv98 is duplicative and unnecessary, undersigned Counsel respectfully requests that the erroneous filing be dismissed.

WHEREFORE, for reasons presented herein, the Plaintiffs respectfully request that the Court dismiss the above-captioned case for being duplicative of Case No. 6:25cv94-JFH. The Plaintiffs respectfully request that this action proceed under No. 6:25cv94-JFH.

Respectfully submitted,

/s/ Jacquelyne K. Phelps  
Jacquelyne K. Phelps

Oklahoma Bar No. 4366  
Assistant General Counsel  
Oklahoma State Department of  
Education  
2500 N. Lincoln Blvd. Ste. 500  
Oklahoma City, OK 73105  
Tel: 405-521-2983  
Cell: 405-464-3768  
Email: [Jacki.Phelps@sde.ok.gov](mailto:Jacki.Phelps@sde.ok.gov)

*Counsel for Plaintiffs Superintendent Walters  
& Oklahoma State Department of  
Education*

### **CERTIFICATE OF SERVICE**

The undersigned, Jacquelyne K. Phelps, an attorney with The Oklahoma State Department of Education, hereby certifies that on April 3, 2025, I filed the foregoing with the Clerk of the Court using the CM/ECF system.

Respectfully Submitted,

/s/Jacquelyne K. Phelps  
JACQUELYNE K. PHELPS  
Oklahoma Bar No. 34366  
Assistant General Counsel  
Oklahoma State Department of  
Education  
2500 N. Lincoln Blvd. Ste. 500  
Oklahoma City, OK 73105  
Tel: 405-521-2983  
Cell: 405-464-3768  
Email: [Jacki.Phelps@sde.ok.gov](mailto:Jacki.Phelps@sde.ok.gov)

*Counsel for Plaintiffs Superintendent  
Walters & OSDE*